

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA,

v.

DWAINE CARAWAY (1),

Defendant.

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Case Number: 3:18-CR-00409-M

ORDER

Upon motion of the defendant for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A) and for home confinement under 18 U.S.C. §3624(c)(2) and the CARES Act,

IT IS ORDERED that the motion is:

☐ DEFERRED pending supplemental briefing. The court DIRECTS the United States Attorney to file a response on or before _____, 2020, along with all Bureau of Prisons records [medical, institutional, administrative] supporting the approval or denial of this motion.

☐ DISMISSED WITHOUT PREJUDICE for want of jurisdiction because of Defendant's pending direct appeal.

☐ DENIED FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES under 18 U.S.C. § 3582(c)(1)(A) (failure to fully exhaust all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf; the lapse of 30 days from the receipt of such a request by the Warden, whichever is earlier).


☒ DENIED after complete review of the motion on the merits under 18 U.S.C. § 3582(c)(1)(A). Factors considered:

Defendant does not allege or provide support for his contention that this case presents "extraordinary and compelling" circumstances as described in U.S.S.G. § 1B13(1)(A) & App. Note 1.

☒ Defendant's request for release to home confinement is DENIED. The CARES Act and 18 U.S.C. §3624(c)(2) do not grant courts statutory authority to modify a defendant's place of incarceration.

SO ORDERED.

July 29, 2020.


BARBARA M. G. LYNN
CHIEF JUDGE